

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GLENFORD KENNARD HYATT,

Plaintiff,

v.

M&T BANK,

Defendant.

CASE NO. 1:21-CV-0221

**DEFENDANTS M&T BANK AND LAKEVIEW LOAN SERVICING, LLC’S
MOTION TO DISMISS AMENDED COMPLAINT WITH PREJUDICE**

COME NOW Defendants M&T Bank (“M&T”) and Lakeview Loan Servicing, LLC (“Lakeview”) (collectively, “Defendants”), by and through their undersigned counsel, and pursuant to Rule 12 of the Federal Rules of Civil Procedure, hereby move this Court to dismiss all claims asserted by Plaintiff Glenford Kennard Hyatt (“Plaintiff”) against Defendants in the Amended Complaint, (Doc. 9). In support of their motion, Defendants state as follows:

1. Plaintiff’s Amended Complaint fails to give Defendants sufficient notice of the claims asserted against them, and, as such, is due to be dismissed as an improper shotgun pleading.

2. Additionally, Plaintiff’s claims fail substantively, as they fail to state claims upon which relief can be granted for negligent mortgage servicing or for

violations of the Truth in Lending Act (“TILA”), the Fair Credit Reporting Act (“FCRA”), or the Fair Debt Collection Practices Act (“FDCPA”).

3. As such, the Amended Complaint is due to be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

4. In support of their Motion, Defendants rely on the pleadings and their Memorandum of Law filed in support of this Motion.

WHEREFORE, for the reasons stated herein and in Defendants’ Memorandum of Law in Support, Defendants respectfully request that this Court grant their Motion to Dismiss and dismiss Plaintiff’s Amended Complaint with prejudice.

Respectfully submitted, this 8th day of March, 2021.

/s/ Rachel R. Friedman

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CERTIFICATION OF COUNSEL

I hereby certify that the foregoing document has been prepared with Times New Roman, 14 point font, one of the font and point selections approved by the Court in LR 5.1C.

/s/ Rachel R. Friedman

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2021, the foregoing document was mailed via First Class U.S. Mail, postage prepaid, to the following:

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/s/ Rachel R. Friedman

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